

AN ORDINANCE

01-0-0493

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

**AN ORDINANCE TO CREATE THE LEGERE VILLAGE MIXED-USE RESIDENTIAL /
COMMERCIAL ENTERPRISE ZONE AND FOR OTHER PURPOSES**

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a Mixed-Use Residential/Commercial Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the creation of The Legere Village Mixed Use Residential/Commercial Enterprise Zone;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

Section 1: It is found by the Council of the City of Atlanta that the area in and around the intersection of Cleveland Avenue and Jonesboro Road area, location of the Legere Village Mixed-Use Residential/Commercial Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with the Cleveland and Jonesboro Road area are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes

to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Legere Village Mixed Use Residential/Commercial Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Legere Village Mixed Use Residential/Commercial Enterprise Zone shall be abolished on December 31, 2011. The Legere Village Mixed Use Residential/Commercial Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Legere Village Mixed-Use Residential/Commercial Enterprise Zone is attached hereto as "Exhibit A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Legere Village Mixed-Use Residential/Commercial Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

RCS# 3145
10/01/01
2:34 PM

Atlanta City Council

Regular Session

MULTIPLE

01-O-1334; 01-O-1338; 01-O-1341;
01-O-1347; 01-O-0493
FILE

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 1

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	NV Muller	NV Boazman	NV Pitts

MULTIPLE

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW

01-0-0493
(Do Not Write Above This Line)

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BY COMMUNITY DEVELOPMENT AND
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE LEGEND
VILLAGE MIXED-USE RESIDENTIAL/
COMMERCIAL ENTERPRISE ZONE
AND FOR OTHER PURPOSES

FILED BY
CITY COUNCIL

OCT 01 2001

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Date Referred 4/2/01

Referred To: Community Development/Human Resources

First Reading

Committee
Date
Chair

Committee
CD/H/R

Date
4/11/01
Chair

Action:
Fav, Adv, Held (see rev. side)
Other 5/8/01

Members

5/16/01 for
Cybele A. Hearn

8/1/01 9/12/01
8/15/01

Refer To

Committee
CD/H/R

Date
4/2/01
Chair

Action:
Fav, Adv, Held (see rev. side)
Other file

Members

file
Marilyn Thomas
W. H. Hearn
Cybele A. Hearn

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other

Members

Refer To

COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
OCT 1 2001

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
OCT 01 2001

Deputy
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION